

ENTERED

September 02, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RONI LEWIS MEDEARIS,
TDCJ #01530043,

Plaintiff,

V.

STEVE MASSIE, *et al.*,

Defendants.

§ § 87(2)(b), (d) & (e)

CIVIL ACTION NO. 3:15-CV-345

ORDER TO CORRECT DEFICIENT PLEADINGS

The plaintiff, Roni Lewis Medearis (TDCJ #01530043), has filed a complaint under 42 U.S.C. § 1983 claiming deliberate indifference on the part of the defendants to Medearis's medical needs (Dkt. 1). Medearis has also filed a certified copy of his prisoner trust fund account statement (Dkt. 4), but he has not filed the application to proceed *in forma pauperis* required by 28 U.S.C. § 1915(a)(1).

Because the current pleadings are insufficient, Medearis is **ORDERED** to correct his deficient pleadings within **thirty (30) days** of the date of this order by complying as follows:

Medearis must either pay the filing fee of \$400.00, in the form of a money order or check issued by the prison unit on his behalf from funds found in his inmate trust account, with the above-referenced case number written on it, payable to the United States District Clerk, P.O. Drawer 2300, Galveston,

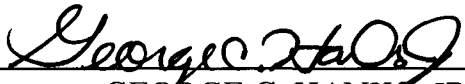
Texas 77553, or he may file an application to proceed *in forma pauperis* using the attached form (or a similar form available at the prison).

Medearis is advised to comply to the best of his ability. Medearis is also admonished that if he fails to comply on time, then the Court may dismiss this case for want of prosecution, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, without further notice.

Medearis's request for the appointment of counsel (Dkt. 3) is noted but **DENIED** for now.

The Clerk will provide a copy of this order to the parties.

SIGNED at Galveston, Texas, on September 2, 2016.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

for the

Plaintiff Petitioner)	
v.)	
Defendant Respondent)	Civil Action No.
)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____.
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|----------------------------------------------------|------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ _____ .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name